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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,733	07/28/2003	Jun Iwasaki	240894US6	3800

22850 7590 03/02/2007		EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT. P.C.		HOMAYOUNMEHR, FARID	
1940 DUKE STREET		ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22314		2132	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/02/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/627,733	IWASAKI, JUN
	Examiner	Art Unit	
	Farid Homayounmehr	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 December 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>12/5/06</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   Claims **1-20** have been considered.

Information Disclosure Statements

2.   Information Disclosure Statement submitted by the applicant on 12/5/2006 has

been considered. Document number 2001-195430 (reference numbered AO in the

attached form PTO-1449) is an unedited computer generated English translation, which

is not clear to read and understand. An improved translation is required for

consideration and evaluation as related prior art. The referenced numbered AW is in

Japanese with no English translation.

Response to Arguments

3.   Applicant's arguments have been fully considered but are not persuasive.

With respect to claims 1 and 7, applicant argues, "Shurts does not teach or suggest a

metadata storage unit which stores metadata relating to a user of the communication

device." However, as indicated in the previous office action, Shurts suggests a

metadata storage unit. Per column 6 lines1 to 15, the metadata includes the owner of

the data. Therefore, Shurts' stored metadata relates to the user of data, who uses the

communication device to send his data.

Applicant further argues, "Shurts does not teach or suggest storing metadata received

through a radio communication unit in a corresponding partition of a metadata storage

unit based on matching the received metadata with a security level and/or category

predetermined by the user." However, as indicated in the previous office action, Shurts

explains the enforcement of MAC rules using labels in col. 1, line 52 to col. 2 line 5.

Shurts specifically defines security levels and categories in col. 4, line 55 to col. 5, line

51, and particularly in col. 5 lines 7-20. MAC rules are typically implemented in

Operating Systems and allow secure storage and access of data based on the labels

assigned to data. Therefore, in Shurts system, each data object receives a label (level

and/or category), which is used to determine if access to data object is allowed or not.

Therefore, each data object is stored based on the assigned security label, and in a

portion of metadata storage that corresponds to the assigned label.

Applicant further argues, "Shurts does not describe storing metadata relating to a user

of an information communication device on the information communication device itself.

However, as described above, Shurts teaches storing the owner of the data as part of

the stored data, and therefore stores information relating to the user. Note that storing

the data on the communication device itself is not part of the claims at hand.

With respect to claims 2 and 8, applicant argues: "Shurts actually teaches away from the features recited in Claims 2 and 8. In Shurts, the metadata is used to identify objects in a database not as the objects of the database itself." However, it is not clear what is meant by "the metadata is used to identify objects in a database not as the objects of the database itself". Metadata is data itself and is stored as data. More importantly, it is not clear how the fact that "the metadata is used to identify objects in a database not as the objects of the database itself" shows that Shurts teaches away from the features of claims 2 and 8.

Applicant further argues: "Shurts makes no mention of "locations visited by the user."" However, locations visited by a user are data related to a user. A system capable of storing data related to a user is well capable of storing the information of locations visited by the user. In other words, barring any unexpected result, a person skilled in art would have store the data indicating location visited by a user if an application requires such data.

With regards to claim 13, applicant argues: "Shurts clearly does not describe or suggest a metadata transmitting means which provides user terminals with metadata that corresponds to a security level and at least one category at different locations in the physical world." However, as mentioned in the previous office action, Timmer and Shurts teach two-way communication systems that exchange data. Timmer specifically

teaches exchanging emails, which make data available in different locations in the

physical world.

Further, applicant argues: "Shurts also clearly does not describe acquiring metadata

from user terminals, matching the metadata and presenting the match to the user

terminals from which the metadata was acquired." However, providing data based on

matching the security label of data against the privileges of the requesting use is the

essence of security systems based on labels (MAC), which is clearly suggested by

Shurts.

Based on the above discussion, applicant's arguments are not persuasive.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1, 3, 4, 6, 7, 9-10, 12, 13, 15, 16, 18-20 are rejected under 35

U.S.C. 102(b) as being anticipated by Shurts (U.S. Patent No. 5,572,673, dated Nov.

5, 1996).

5.1.   As per claim 1, Shurts is directed to an information communication device which

supports information exchange and fostering of human relations between a plurality of

users, (item 54 in Fig. 5 and associated text), comprising: a radio communication unit

which transmits and receives radio communication data (col. 14, lines 16-30 describes

item 54 in Fig. 5, capable of communication using radio); a metadata storage unit which

stores metadata relating to a user of the communication device (col. 8 line 60 to col. 9

line 15 describes the security system of Shurts, which includes a system catalog. The

system catalog, as defined in col. 6 lines 1-15 includes metadata. One of the items

stored as metadata is the owner of data, which is a user of the communication device);

and a central control unit which manages the storage of metadata in said metadata

storage unit (the CPU, item 62 in Fig. 5 controls and manages the storage of all data in

the system which includes metadata), wherein said central control unit partitions said

metadata storage unit by security level and category, stores metadata received through

said radio communication unit in a corresponding partition of the metadata storage unit

based on matching the received metadata with a security level and/or category

predetermined by the user (use of levels and categories to enforce access security in

well-known in the art. Shurts explains the enforcement of MAC rules using labels in col.

1, line 52 to col. 2 line 5. Shurts specifically defines security levels and categories in col.

4, line 55 to col. 5, line 51, and particularly in col. 5 lines 7-20. MAC rules are typically

implemented in Operating Systems and allow secure storage and access of data based

on the labels assigned to data. Therefore, in Shurts system, each data object receives a

label (level and/or category), which is used to determine if access to data object is

allowed or not. Therefore, each data object is stored based on the assigned security

label, and in a portion of metadata storage that corresponds to the assigned label.),

supplies, in response to an external access request, metadata from the metadata

storage unit that matches.a security level available to the external access request or

that matches the security level available and category requested (As mentioned above,

Shurts suggests deployment of MAC rules to enforce security, which supplies data to a

requestor only if the level and/or category of the requestor matches that of the

requested data).

5.2.   As per claim 3, Shurts is directed to the information communication device

according to claim 1, further comprising: a user input unit for the user of the device to

write metadata directly into said metadata storage unit (col. 14 lines 5-15 describes a

key which allows user enter user data).

5.3.   As per claim 4, Shurts is directed to the information communication device

according to claim 1, wherein said central control unit sets a higher security level for

data transmitted through a relatively secure communication path and a lower security

level for other transmitted data (as explained in col. 1 line 53 to col. 2 line 5, the more

sensitive data gets a higher level or category. The more sensitive data is typically

transmitted in the more secured transmission system).

5.4.   As per claim 6, Shurts is directed to the information communication device

according to claim 1, further comprising: a format setting unit which converts the format

of metadata taken out of said metadata storage unit as requested by a requesting party

(according to col. 5 lines 40 to 55, the database maybe queried using different

languages, and therefore it is formed in the format requested by a requesting party).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 2, 8, 14 and 17 are rejected under 35 U.S.C. 103(a) as being obvious

over Shurts as applied to claims 1 above.

7.1.   As per claim 2, Shurts is directed to the information communication device

according to claim 1, wherein said metadata is information in the form of metadata,

equivalent to a log providing information on locations visited by the user (Shurts is

directed to a secured database system and the purpose of databases is storing linked

pieces of information such as the user, its visits and the visited place. A system capable

of storing data related to a user is well capable of storing the information of locations

visited by the user. In other words, barring any unexpected result, a person skilled in art would have store the data indicating location visited by a user if an application requires such data).

7.2.   Claims 8, 14, and 17 limitations are substantially the same as claim 2 above.

8.   Claims 5, 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shurts as applied to claims 1-4 and 6 above, and further in view of Timmer (U.S. Patent Application Publication No. 2002/0107895, filed Aug. 3, 2001).

8.1.   As per claims 5 and 11, Shurts is directed to the information communication device according to claim 1, However, Shurts does not specify a virtual person growing means which grows a virtual person corresponding to the user based on the user's history information accumulated in said metadata storage unit, as Shurts is directed to a secured database management system, which is typically one of the major building blocks of information systems.

Timmer is directed to an interactive personalized book, which provides users with the ability to record and guide their own physical or emotional transformations over time, or collect and archive content that reflects a specific period of time of their lives. An on-line personal history diary, and evolution of personality and life style is possible parag. 9). Also as shown in parag 29-30, Timmer's system supports, for example, a

"MYLIFEBOOK" which reflects a personalization process corresponding to a person.
As mention in parag 29, the personalization tool is interactive and matures as it collects
more history data about the person.

Timmer uses databases in the system development as mentioned in paragraphs 19
and 25, therefore its system incorporates the art that is analogous to Shurts' art.
Furthermore, Timmer stores personal data, which requires privacy protection. As
mentioned in paragraph 2, Timmer uses a secured server and makes its data available
over the Internet and via wireless systems. Therefore the skilled artisan that makes
Timmer's system would be motivated to use Shurts' secured database system.

Therefore, it would have been obvious to a person skilled in the art to use Shurts'
secured database management system in development of Timmer's system.

9.   Claims 7-20 are substantially the same as claims 1-6 above, Note that Timmer
supports exchanging emails. and Shurts creates a bidirectional communication (col. 14
line 16-30), and therefore both are capable of receiving and transmitting data.

Conclusion

11.   Applicant's amendment necessitated the new ground(s) of rejection presented in
this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Farid Homayounmehr whose telephone number is (571)

272-3739. The examiner can be normally reached on 9 hrs Mon-Fri, off Monday
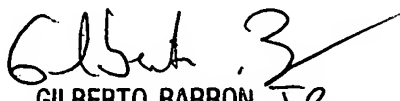
biweekly.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Farid Homayounmehr

2/23/2007

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